

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's Amendment filed June 12, 2008 has been fully considered and entered.

### ***Response to Arguments***

Applicant's arguments, see pages 2-5, filed June 12, 2008, with respect to claims 1, 2 and 5-12 have been fully considered and are persuasive. Accordingly, the rejections set forth in the prior Office action have been withdrawn.

### ***Allowable Subject Matter***

Claims 1, 2 and 5-12 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record, which is the closest prior art known, does not disclose or suggest either alone or in combination a waveguide structure, as defined in claim 1, being capable of supporting a bulk optical mode in the second layer such that when light is incident on the upper surface of the third layer the optical mode generated in the second layer penetrates into the sensing layer so as to overlap at least a major portion of the particle in combination with the other limitations of claim 1. Claims 2 and 5-12 depend from claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning the merits of this communication should be directed to Examiner Michelle R. Connelly-Cushwa at telephone number (571) 272-2345. The examiner can normally be reached 9:00 AM to 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general or clerical nature should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562.

/Michelle R. Connelly-Cushwa/  
Primary Patent Examiner  
Art Unit 2874